

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 09-20473

v.

Hon. Victoria A. Roberts

Rafael Murrey,

Defendant.

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**Government's Response to Defendant's Emergency *Ex Parte*
Motion to Expedite Briefing as to Defendant's Emergency
Motion for Compassionate Release [ECF No. 244]**

On Thursday, December 3, 2020, Defendant Rafael Murray filed an Emergency Motion for Compassionate Release. (ECF No. 243.) He subsequently filed the instant Emergency *Ex Parte* Motion to Expedite Briefing as to his Emergency Motion for Compassionate Release, seeking an expedited scheduling order requiring the Government to respond to Defendant's Emergency Motion for Compassionate Release by Monday, December 7, 2020. The Government respectfully requests that the Court deny Defendant's Emergency *Ex Parte* Motion to Expedite Briefing and seeks the 14 days provided in Local Rule 7.1(e)(2)(B) to respond to Defendant's Motion for Compassionate Release, for the following reasons:

First, the undersigned counsel was just assigned to this case today, December 4, 2020. Moreover, responses to compassionate release motions require government counsel to collect and review numerous documents from the Bureau of Prisons before responding, including: records regarding the administrative process, medical records relating to Defendant's health claims, and disciplinary records, if any. The Government promptly requested these materials from the Bureau of Prisons today, but given past experience it is unlikely that we will receive responsive materials prior to Defendant's requested response deadline. Furthermore, the Government does not know how voluminous the records will be nor what they will say relevant to Defendant's Motion, and will need time in which to formulate a response following its review of those records.

Additionally, requiring an expedited response to Defendant's Emergency Motion for Compassionate Release draws BOP resources away from its effort to assess the entire prison population to address the inmates who are most at risk, pose the least danger, and can safely be granted home confinement.

The Government therefore asks that the Court deny Defendant's Emergency *Ex Parte* Motion to Expedite Briefing and requests the ability to file a response to Defendant's Emergency Motion for Compassionate Release in accordance with the briefing schedule delineated in L.R. 7.1(e)(2)(B).

Respectfully submitted,

MATTHEW SCHNEIDER
United States Attorney

s/Corinne M. Lambert
CORINNE M. LAMBERT
Special Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9129
Corinne.Lambert@usdoj.gov

Date: December 4, 2020

Certificate of Service

I hereby certify that on December 4, 2020, I electronically filed the foregoing document with the Clerk of the Court of the Eastern District of Michigan using the ECF system, which will send notification of such filing to all counsel of record via electronic mail.

s/Corinne M. Lambert

CORINNE M. LAMBERT

Special Assistant U.S. Attorney

211 W. Fort Street, Suite 2001

Detroit, Michigan 48226

(313) 226-9129

Corinne.Lambert@usdoj.gov